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EXAMINER

MACCHIAROLO, PETER J

ART UNIT PAPER NUMBER

2879

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/507,182

Applicant(s)

RITZ ET AL.

Examiner

Peter J. Macchiarolo

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The reply filed on 10/02/2006 consists of changes to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the previous Office Action. The above have been entered and considered. However, pending claims 1-17 are not allowable as explained below.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term, "tail end" does not have proper antecedent basis in the specification.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hollow discharge vessel having an extended tail end, an exposed electrode extending out of the tail end (see at least claim 1) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 16 and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, claims 16 and 17 recite the same limitations and terms as amended claims 10 and 13 respectively. Furthermore, claims 16 and 17 do not conform to standard antecedent basis requirements. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by previously cited Parham et al (USPN 5676579; “Parham”).

Regarding claim 1, Parham discloses in figures 14 and 16, a reflector lamp with a light source (fig. 14; 254) contained within a hollow discharge vessel (292) having an extended tail end (uncoated light source portion of 264 best seen in figure 15), an exposed electrode (not labeled electrode extending from tail end, best seen in figure 15) extending out of the tail end, a main reflector (inside surface of 252c), a neck portion (extension of base portion 252a not labeled) extending from said main reflector (inside surface of 252c), and at least one primary reflector (coating 290) which is configured to provide a reflection through the light source (260) onto the main reflector (inside surface of 252c) of those light portions (rays not labeled) originating from the light source which propagate in the direction of optically inactivated regions (inside reflecting surface of neck) of the main reflector (inside surface of 252c) or regions of the main reflector (inside surface of 252c) obscured by other objects (276), wherein the at least one primary reflector (290) covers a portion (an end portion) of the hollow discharge vessel (292) but does not substantially cover the tail end (not labeled tail extending from 264 in fig. 15), and wherein the tail end (not labeled tail extending from 264 in fig. 15) extends in the direction of the

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optically inactivated regions (inside reflecting surface of neck toward 280) of the main reflector (inside surface of 252c).

Regarding claim 2, Parham discloses in figure 14 said optically inactivated regions (inside reflecting surface of neck) are formed by a through passage (not labeled, see col. 8, ll. 45-51) in the main reflector (inside surface of 252c) that is provided for a lamp (250) comprising the light source (260).

Regarding claim 3, Parham discloses in figure 14 said objects (267) are other means provided for activating and/or operating the light source.

Regarding claim 4, Parham discloses in figure 14 and the abstract that the primary reflector (290) is formed by an optically reflecting coating which is provided on a surface of a lamp (254) comprising the light source (260).

Regarding claim 5, Parham discloses in the abstract the optically reflecting coating (290) is formed by a metal layer or by a plurality of dielectric layers or dichroic filters (tantala and silica).

Regarding claim 7, Parham discloses in figure 14 the reflector lamp further comprises a reflector body (entire assembly 250) with a reflector portion (252c) supporting the main reflector

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(inside surface of 252c) said neck portion (extension of base portion 252a not labeled) being configured for introducing a lamp (254) comprising the light source (260).

Regarding claim 8, Parham discloses in figure 14 the light source (260) is an arc discharge in a high-pressure gas discharge lamp (see col. 3 ll. 29-32).

Regarding claim 9, the Examiner notes that the preamble recites that the reflector lamp is used in a projection system. This is an intended use type preamble, since it merely recites the intended use of a reflector lamp. Where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone, the preamble is generally not accorded any patentable weight. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In this case, the preamble has been considered, however is not patentable over Parham since the reflector lamp can be used in a projection system.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of previously cited Davenport et al (USPN 5675677; "Davenport").

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Regarding claim 6, Parham discloses in figure 14 the lamp further comprises a reflector body (250) with a reflector portion (252c) supporting the main reflector (inside portion of 252c), said neck portion (extension of base portion 252a not labeled) being configured for introducing a lamp (254) comprising the light source (see col. 8, ll. 45-51).

Parham does not disclose in the embodiment of figure 14 that the geometric continuation of the main reflector (inside portion of 252c) passing through a burner (not labeled portion of lamp 254 which produces light) of the lamp (254).

However, Davenport shows in figure 1a that it is possible to manufacture a lamp with a main reflector (130), the light source having a primary reflector (116), wherein the geometric continuation of the main reflector (130) will pass through the burner (not labeled) of the lamp (114), and this configuration will allow for a more compact lamp.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with the geometric continuation of the main reflector will passing through the burner of the lamp to reduce the overall length of the main reflector and neck lamp portion thereby the entire lamp assembly more compact, thereby fitting into specific platforms and meeting specific market demands.

Claims 10-12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parham in view of previously cited Eggink et al (USPN 5646473; "Eggink").

Regarding claim 10, Parham discloses in figures 14 and 16, a lamp comprising a substantially ellipsoid-shaped discharge vessel (fig. 14; 258) configured to sustain a discharge; a

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vessel reflector (fig. 15; 290) at least partially covering said ellipsoid-shaped discharge vessel (258); a reflection portion (252b) covered with a further reflector (inside surface of 252b); and a neck portion (extension of base portion 252a not labeled) extending from said reflection portion (252b), wherein said ellipsoid-shaped discharge vessel (258) has an extended tail end (not labeled, uncoated end 264 best seen in figure 16) wherein an exposed electrode (not labeled, electrode extending from tail end) extends out of said tail end, wherein said vessel reflector (290) covers a portion of said substantially ellipsoid-shaped discharge vessel (258) but does not substantially cover said tail end (not labeled, uncoated end 264 best seen in figure 16), and wherein said tail end extends in the direction of said neck portion (extension of base portion 252a not labeled).

The Examiner notes that figure 14 of Parham is not drawn to scale and the ellipsoid-shaped discharge vessel may indeed be in the neck portion. But, this is not clear and Parham does not expressly disclose this configuration.

However, Eggink teaches in figure 1 a lamp with a discharge vessel can be located within said neck portion which allows for a more compact lamp assembly which can fit into more platforms.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the lamp of Parham with at least a portion of said discharge vessel being located within said neck portion, to reduce the overall length of the reflection and neck portions, thereby making the entire lamp assembly more compact, thereby fitting into specific platforms and meeting specific market demands.

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Regarding claim 11, Parham shows in figure 14, at least a portion of the vessel reflector (290) is located within said neck portion (extension of base portion 252a not labeled).

Regarding claim 12, Parham is silent to a geometric continuation of the main reflector passing through the discharge vessel.

However, Eggink teaches this configuration at figure 1, which allows for a more compact lamp assembly which can fit into more platforms.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a geometric continuation of the main reflector passing through the discharge vessel to allow for a more compact lamp assembly which can fit into more platforms.

Regarding claim 16, Parham shows in figure 14, the substantially ellipsoid-shaped discharge vessel (fig. 14; 258) comprises an extended tail end (uncoated light source portion of 264 best seen in figure 15), wherein the vessel reflector (290) covers a portion of the substantially ellipsoid-shaped discharge vessel (258) but does not substantially cover the tail end, and wherein the tail end (uncoated light source portion of 264 best seen in figure 15) extends in a direction of optically inactivated regions (inside reflecting surface of neck toward 280) of the further reflector (inside surface of 252b).

Claims 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being as being unpatentable over Eggink in view of Parham.

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Regarding claim 13, Eggink shows in figure 1 a lamp (not labeled) comprising an envelope (42) configured to include a light source (4); an envelope reflector (7) at least partially covering said envelope (42); a reflection portion (1) covered with a further reflector (19); and a neck portion (12) extending from said reflection portion (1); wherein at least a portion of the envelope (42) is located within said neck portion (12), wherein said envelope (42) has an extended tail end (43), wherein an exposed electrode (41) extends out of the tail end (43), wherein said envelope reflector (7) covers a portion of said envelope but does not substantially cover said tail end (43), and wherein said tail end extends in a direction of said neck portion (12).

Eggink is silent to the discharge vessel being substantially ellipsoid-shaped.

However, Parham teaches in col. 12 ll. 23-31 having an ellipsoid-shaped light source with envelope reflector allows for the tuning of directed light into a desired beam pattern.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Eggink with an ellipsoid-shaped envelope to allow for the tuning of directed light into a desired beam pattern.

Regarding claim 14, Eggink shows in figure 1, at least a portion of the envelope reflector (7) is located within said neck portion (12).

Regarding claim 15, Eggink shows in figure 1, a geometric continuation of the further reflector (19) passes through the envelope (42).

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Regarding claim 17, Eggink shows in figure 1, the envelope (42) comprises an extended tail end (41), wherein the vessel reflector (7) covers a portion of the envelope (42) but does not substantially cover the tail end (41), and wherein the tail end (41) extends in a direction of optically inactivated regions (inside surface of neck toward 44) of the further reflector (19).

Eggink is silent to the discharge vessel being substantially ellipsoid-shaped.

However, as discussed above, Parham teaches in col. 12 ll. 23-31 having an ellipsoid-shaped light source with envelope reflector allows for the tuning of directed light into a desired beam pattern.

Therefore, in view of the above discussion, it would have been obvious to one having ordinary skill in the art at the time the invention was made to construct the device of Eggink with an ellipsoid-shaped envelope to allow for the tuning of directed light into a desired beam pattern.

Response to Arguments

Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

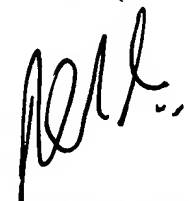
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (571) 272-2375. The examiner can normally be reached on 8:30 - 5:00, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimeshkumar Patel can be reached on (571) 272-2475. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Handwritten signature of Peter J Macchiarolo, with the initials 'pjm' visible.Handwritten signature of Nimeshkumar D. Patel.

NIMESHKUMAR D. PATEL
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